REGISTERED NO. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V] Trivandrum, Saturday, 23rd July 1960 / 1st Sravana 1882 [No. 65.

NOTIFICATION.

No. 2403|LA. 4|60.

The following Bills together with the Statements of Objects and Reasons are published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

Legislature Secretariat,
Trivandrum, 23rd July 1960.

1. The Kerala Surcharge on Taxes (Amendment) Bill, 1960.
   L. A. Bill No. 33 of 1960.
2. The Agricultural Income-tax (Amendment) Bill, 1960.
   L. A. Bill No. 34 of 1960.
3. The General Sales Tax (Second Amendment) Bill, 1960.
   L. A. Bill No. 35 of 1960.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1960.

L. A. Bill No. 33 of 1960.

THE KERALA SURCHARGE ON TAXES (AMENDMENT) BILL, 1960

A

BILL

to amend the Kerala Surcharge on Taxes Act, 1957.

Preamble.—WHEREAS it is expedient to amend the Kerala Surcharge on Taxes Act, 1957, for the purpose hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Kerala Surcharge on Taxes (Amendment) Act, 1960.

(2) It shall be deemed to have come into force on the first day of April, 1960.

2. **Amendment of section 3.**—In sub-section (1) of section 3 of the Kerala Surcharge on Taxes Act, 1957 (Act 11 of 1957), for the words "two and a half per centum", the words "five per centum" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

As announced in the budget speech on 24-6-1960 it is proposed to increase the surcharge on sales tax collected from merchants having a turnover of more than Rs. 30,000 per annum from 2½ per cent to 5 per cent. The Bill is intended to give effect to the above proposal.

R. SANKAR.

L. A. Bill No. 34 of 1960.

THE AGRICULTURAL INCOME-TAX (AMENDMENT) BILL, 1960

A

BILL

further to amend the Agricultural Income-tax Act, 1950

Preamble.—WHEREAS it is expedient further to amend the Agricultural Income-tax Act, 1950, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. **Short title and comencement.**—(1) This Act may be called the Agricultural Income-tax (Amendment) Act, 1960.

(2) It shall be deemed to have come into force on the first day of April, 1960.

2. **Insertion of new section 3A.**—After section 3 of the Agricultural Income-tax Act, 1950 (Act XXII of 1950), hereinafter referred to as the principal Act, the following section shall be inserted, namely:—

"3A. **Composition and consolidated payment of agricultural income-tax.**—(1) Any assessee, other than a company, may apply to the Agricultural Income-tax Officer to compound the agricultural income-tax payable by him for the financial year commencing on the 1st April, 1960, or any subsequent financial year, if his total agricultural income for the previous year does not exceed five thousand rupees.

(2) The application under sub-section (1) shall be made in such form, in such manner and within such time and shall contain such particulars as may be prescribed.

(3) The Agricultural Income-tax Officer after satisfying himself that the particulars specified in the application are correct and that the total agricultural income of the assessee for the previous year does not exceed five thousand rupees may, by order in writing, compound the tax payable by him for a consolidated payment of seventy-five rupees.

(4) The provisions of this Act relating to collection and recovery of agricultural income-tax shall apply to the collection and recovery of the consolidated amount payable under sub-section (3).".

3. **Amendment of section 31.**—In sub-section (1) of section 31 of the principal Act, for the words and figures "sections 19, 20, 21, 25, 29 and 41", the words, figures and letter "sections 3A, 19, 20, 21, 25, 29 and 41" shall be substituted.

4. **Amendment of section 67.**—In sub-section (2) of section 67 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

"(cc) as to the manner in which and the time within which applications under section 3A shall be made and the form of, and the particulars to be contained in, such applications;".

5. **Amendment of the Schedule.**—In Part I of the Schedule to the principal Act,—

(i) in the first proviso, for the words "three thousand rupees", the words "three thousand and six hundred rupees" shall be substituted;

(ii) in the second proviso, in clause (1), for the words "three thousand rupees", the words "three thousand and six hundred rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

To afford some relief to the agriculturists of the lower income group it is proposed to raise the minimum taxable limit from Rs. 3,000 to Rs. 3,600. Again, in the case of those coming within the first tax slab (Rs. 3,600—Rs. 5,000) it is proposed to allow compounding of the tax payable at a lump sum of Rs. 75. These proposals are to apply to the agricultural income-tax payable for the current financial year on the total agricultural income of the previous year. The Bill is intended to give effect to the above proposals.

R. SANKAR.

L. A. Bill No. 35 of 1960.

THE GENERAL SALES TAX (SECOND AMENDMENT) BILL, 1960

A

BILL

further to amend the General Sales Tax Act, 1125.

Preamble.—WHEREAS it is expedient further to amend the General Sales Tax Act, 1125, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the General Sales Tax (Second Amendment) Act, 1960.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. **Amendment of section 5.**—In section 5 of the General Sales Tax Act, 1125 (Act XI of 1125), hereinafter referred to as the principal Act, to clause (vii), the following proviso shall be added, namely:—

"Provided that the sale effected after the commencement of the General Sales Tax (Second Amendment) Act, 1960, of goods of the description specified in column (2) of items 46 to 49 (both inclusive) of Schedule I, which were in the stock of any dealer in the State at the commencement of the said Act, shall be liable to tax at single point in accordance with the provisions of this clause notwithstanding the fact that tax has been levied under this Act on the sale of such goods effected before such commencement.".

3. **Amendment of Schedule I.**—In Schedule I to the principal Act, after item 45, the following items shall be inserted, namely:—

		Naye Paise.
"46.	Bicycles, tandem cycles and cycle combinations and tyres, tubes and accessories and parts thereof.	5
47.	Paints, colours, lacquers and varnishes	6
48.	Scents and perfumes, powders, snows, scented hair oils, scented sticks, cosmetics and toilet requisites except soaps	6
49.	Lubricating oils and greases	6."

STATEMENT OF OBJECTS AND REASONS

The Government's intention to revise the present multipoint rate of 2 per cent sales tax on certain commodities to single point rates of 5 per cent and 6 per cent was announced in the budget speech on 24-6-1960. Subsequently it was announced that the proposal to change the rate in respect of soap had been dropped. The Bill is intended to give effect to the change in respect of the remaining commodities.

R. SANKAR.

REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V] Trivandrum, Saturday, 23rd July 1960 / 1st Sravana 1882 No. 66.

NOTIFICATION

No. 2406|LA. 4|60.

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum attached to it, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum,
23rd July 1960.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1960.

L. A. Bill No. 36 of 1960.

THE KERALA PLANTATIONS (ADDITIONAL TAX) BILL, 1960

A

BILL

to provide for the levy of an additional tax on plantations in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide for the levy of an additional tax on plantations in the State of Kerala;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Plantations (Additional Tax) Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the first day of April, 1960.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "assessee" means a person by whom plantation tax or any other sum of money is payable under this Act, and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of plantation tax payable by him;

(2) "appellate authority" means the appellate authority appointed by the Government;

(3) "assessing authority" means the assessing authority appointed by the Government;

(4) "company" means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), and includes a foreign company within the meaning of section 591 of that Act;

(5) "person" means any individual or association of individuals, holding any plantation for himself or for any other, or partly for himself and partly for another, either as owner, trustee, receiver, common manager, administrator or executor or in any capacity recognised by law, and includes a Hindu undivided family, an Aliyasanthana family or branch, a Marumakkathayam tarwd or tavazhi, a Nambudiri family or other family to which the provisions of the Kerala Nambudiri Act, 1958, apply, a firm or a company, and any institution capable of holding property;

(6) "plantation" means land used for growing one or more of the following:—

(i) cocoanut trees;
(ii) arecanut trees;
(iii) rubber plants;
(iv) coffee plants;
(v) tea plants;
(vi) cardamom plants;
(vii) pepper vines;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "to hold" with reference to a plantation means to be in possession of the plantation as owner or as tenant or as mortgage in possession;

(9) "valuation date" in relation to the financial year commencing on the 1st April, 1960, means the first day of September, 1960, and in relation to any other financial year for which an assessment is to be made under this Act, means the first day of April of that year.

3. *Charge of plantation tax.*—(1) Subject to the other provisions contained in this Act, for every financial year commencing on and from the first day of April, 1960, there shall be charged in respect of the lands comprised in plantations held by a person on the corresponding valuation date an additional tax (hereinafter referred to as 'plantation tax') at the rates specified in Schedule I, and the person holding such plantations shall be liable to pay the plantation tax.

(2) The plantation tax assessed under this Act shall be payable by the assessee for every financial year until the extent of plantations held by him is revised and the plantation tax is assessed on the basis of the revised extent, under sub-section (3), and thereafter the tax as so revised shall be payable.

(3) The extent of plantations held by a person determined under section 5 shall ordinarily be revised at the end of five years but the assessing authority may, either *suo motu* or on application by an assessee, revise the extent so determined, before the expiry of five years, and where such extent has been revised as aforesaid, the plantation tax payable thereon shall be assessed on the basis of the revised extent.

(4) For purposes of the assessment of plantation tax payable by a person under this Act, the extent of plantations held by him shall be determined in the manner specified in Schedule II.

(5) The tax charged under this section shall be in addition to the basic tax payable in respect of those lands under the Land Tax Act, 1955.

4. *Return relating to plantations.*—(1) Every person who on the first day of September, 1960, holds plantations not less than five acres in the aggregate shall furnish to the assessing authority so as to reach him before the 31st day of December,

1960, a return in the prescribed form and verified in the prescribed manner and containing such particulars as may be prescribed.

(2) Every person who, on the first day of April, 1961, or of any subsequent year, holds not less than five acres of plantations in the aggregate, the extent of whose plantations has not been determined, shall, before the first day of June of that year, furnish to the assessing authority a return as specified in sub-section (1).

(3) In the case of any person who, in the opinion of the assessing authority, holds such extent of plantations as to render such person liable to plantation tax for any financial year, the assessing authority may serve a notice in the prescribed form requiring such person to furnish within such period, not being less than thirty days as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner and containing such particulars as may be provided for in the notice.

(4) If any person has not furnished a return within the time allowed by or under sub-section (1), sub-section (2) or sub-section (3) or, having furnished a return under any of those sub-sections discovers any omission or wrong statement therein, he may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

(5) The assessing authority may serve on any person who has made a return under sub-section (1) or sub-section (2) or upon whom a notice has been served under sub-section (3), a notice requiring him, on a date to be therein specified, to produce or cause to be produced, such documents as such authority may require.

5. *Determination of extent of plantation.*—(1) If the assessing authority is satisfied that a return made under section 4 is correct and complete, he shall, by order in writing, determine the extent of plantations held by the assessee and assess the amount of plantation tax payable by him on the basis of such return.

(2) If the assessing authority is not satisfied that the return is correct and complete, he shall serve on the person who made the return a notice requiring him on the date specified therein, either to attend the office of the assessing authority or to produce or to cause to be produced, any evidence on which such person may rely in support of the return.

(3) On the day specified in the notice under sub-section (2) or as soon afterwards as may be, the assessing authority, after considering such evidence as such person may produce and such other evidence as that authority may require on specified points, determine the extent of plantations held by the assessee and assess the amount of plantation tax payable by him on the basis of the extent of plantation so determined.

(4) If any person fails to make a return under sub-section (3) of section 4, or fails to comply with all the terms of a notice issued under sub-section (5) of that section or under sub-section (3) of this section, the assessing authority shall determine the extent of plantation to the best of his judgment and assess the plantation tax payable by the assessee on the basis of the extent of plantation so determined.

6. *Provisional assessment.*—(1) The assessing authority may at any time after the receipt of a return under sub-section (1) or sub-section (2) or sub-section (3) of section 4, proceed to make in a summary manner a provisional assessment of the plantation tax payable by the assessee on the basis of the return and the documents, if any, accompanying it.

(2) For the avoidance of doubt, it is hereby declared that the provisions of sections 13 and 14 apply in relation to any plantation tax payable in pursuance of a provisional assessment made under sub-section (1) as if it were a regular assessment made under section 5.

(3) After a regular assessment has been made under section 5, any amount paid towards a provisional assessment made under sub-section (1) shall be deemed to have been paid towards the regular assessment; and where the amount paid towards the provisional assessment exceeds the amount payable under the regular assessment, the excess shall be refunded to the assessee.

7. *Cancellation of assessment in certain cases.*—Where an assessee, within one month from the service of a notice of demand issued as hereinafter provided, satisfies the assessing authority that he was prevented by sufficient cause from making the return required by section 4 or that he did not receive the notice issued under sub-section (3) or sub-section (5) of that section or sub-section (2) of section 5 or that he had not a reasonable opportunity to comply, or was prevented by sufficient cause from complying with the terms of any such notice, the assessing authority shall cancel the assessment and proceed to make a fresh assessment in accordance with the provisions of section 5.

8. *Notice of demand.*—When any plantation tax is due in consequence of any order passed under or in pursuance of this Act, the assessing authority shall serve on the assessee a notice of demand in the prescribed form specifying the sum so payable.

9. *Appeal against assessment, etc.*—(1) Any assessee objecting to the extent of plantation or the amount of plantation tax assessed under section 5 or denying his liability to be assessed under this Act or objecting to any order of the assessing authority under this Act may appeal to the appellate authority against the assessment or against such order:

Provided that no appeal shall lie in respect of an assessment made under sub-section (4) of section 5.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) The appeal shall be presented within a period of thirty days from the date of service of the order; but the appellate authority may admit an appeal presented after the expiration of the said period, if he is satisfied that the appellant had sufficient cause for not presenting it within the said period.

(4) The appellate authority shall fix a day and place for the hearing of the appeal and may from time to time adjourn the hearing and make or cause to be made such further inquiry as he thinks fit.

(5) In disposing of an appeal, the appellate authority may—

(a) in the case of an order of assessment—

(i) confirm, reduce, enhance, or annul the assessment,

(ii) set aside the assessment and direct the assessing authority to make a fresh assessment after such further enquiry as may be directed; or

(b) in the case of any other order, confirm, cancel or vary such order:

Provided that no enhancement of an assessment shall be made under this section unless the appellant has had a reasonable opportunity of being heard against such enhancement:

Provided further that at the hearing of any appeal against an order of an assessing authority, the assessee shall have the right to be heard either in person or by a representative.

(6) The appellate authority shall, on the conclusion of the appeal, communicate the orders passed by him to the assessee and the assessing authority.

(7) The orders passed by the appellate authority shall, subject to the provisions of section 10, be final and shall not be liable to be questioned in a court of law.

10. *Powers of revision of Board of Revenue.*—The Board of Revenue may, at any time, call for and examine the record of any proceeding pending before, or disposed of by, the appellate authority, and may pass such order in reference thereto as the Board of Revenue thinks fit:

Provided that no such order shall be passed under this section without notice to the party who may be affected by the order.

11. *Rectification of mistake.*—(1) The appellate authority may at any time within three years from the date of an order passed by him on appeal and the assessing authority may at any time within three years from the date of any assessment

or refund order passed by him, of his own motion, rectify any mistake apparent from the record of the appeal, assessment or refund, as the case may be, and shall within the like period rectify any such mistake which has been brought to his notice by an assessee:

Provided that no such rectification shall be made having the effect of enhancing an assessment or reducing a refund unless the assessee has been given a reasonable opportunity of being heard in the matter.

(2) Where any such rectification has the effect of reducing the assessment, the assessing authority shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing the assessment or reducing a refund, the assessing authority shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under section 8 and the provisions of this Act shall apply accordingly.

12. *Power to take evidence on oath, etc.*—The appellate authority and the assessing authority shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents; and

(c) issuing commissions.

13. *Recovery of plantation tax.*—Any amount specified as payable in a notice of demand under section 8 or an order under section 9, or an order under section 10, shall be paid in such number of instalments, within such time, at such place and to such person, as may be specified in the notice or order, and any assessee failing so to pay shall be deemed to be in default.

14. *Mode and time of recovery.*—(1) When an assessee is in default in making a payment of plantation tax, the assessing authority may in his discretion direct that, in addition to the amount of the arrears, a sum not exceeding that amount shall be recovered from the assessee by way of penalty.

(2) For the purposes of sub-section (1), the assessing authority may direct the recovery of any sum less than the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed the amount of the arrears payable.

(3) The arrears of plantation tax and any sum directed to be recovered by way of penalty shall be a first charge on the interest of the holder in the plantation subject to the charge for basic tax and shall be recoverable under the law for the

time being in force relating to the recovery of arrears of land revenue and any sale of such interest for arrears of plantation tax or penalty shall be free from all encumbrances.

15. *Refunds.*—(1) If any person satisfies the assessing authority that the amount of plantation tax paid by him for any year exceeds the amount with which such person is properly chargeable under this Act for that year, he shall be entitled to a refund of any such excess.

(2) The appellate authority in the exercise of his appellate powers, if satisfied to the like effect, shall cause a refund to be made by the assessing authority of any amount found to have been wrongly paid or paid in excess.

16. *Power to set off amount of refund against tax remaining payable.*—Where, under any of the provisions of this Act, a refund is found to be due to any person, the assessing authority or the appellate authority, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded, or any part of that amount, against the plantation tax, if any, remaining payable by the person to whom the refund is due.

17. *Limitation of claims for refund.*—No claim to any refund of plantation tax under this Act shall be allowed, unless it is made within two years from the date of the order of assessment or, where an appeal or application for revision has been preferred from the order of assessment, within two years from the order in appeal or revision.

18. *False statements in declaration.*—If any person makes a statement in a verification mentioned in section 4 or sub-section (2) of section 9 which is false and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code.

19. *Failure to furnish return or document.*—If any person fails without reasonable cause or excuse—

(a) to furnish in due time any return specified in sub-section (1) or sub-section (2) or sub-section (3) of section 4; or

(b) to produce or cause to be produced on or before the date mentioned in any notice under sub-section (5) of section 4, such documents as are referred to in the notice, he shall be punishable with fine which may extend to five rupees for every day during which the default continues.

20. *Power to call for information.*—(1) The assessing authority may serve or cause to be served on any person, who, according to the assessing authority, is in possession of special knowledge in regard to the extent or other particulars regarding plantations held by an assessee, a notice requiring

him to furnish information regarding any such particulars as may be necessary for the purpose of assessment of tax under this Act, and thereupon such person shall be bound to furnish such particulars as are available with him.

(2) If any person fails without reasonable cause or excuse to furnish in due time any information called for under sub-section (1), he shall be punishable with fine which may extend to fifty rupees.

21. *Power of inspection.*—(1) The assessing authority or any other officer authorised by the Government in this behalf may, at any reasonable time, enter any plantation for the purpose of collecting particulars relating thereto and may require the holder of the plantation or any other person in charge of the plantation to produce for inspection any book, register, or record kept therein and ask for any information relating to the plantation; and the holder of the plantation or other person in charge shall be bound to afford facilities for such inspection, and furnish such information as is available with him.

(2) Any person who obstructs the assessing authority or other officer authorised in the exercise of the powers conferred on him under sub-section (1) or fails to produce any book, register or record when required to be produced or furnish the available information, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

22. *Prosecutions.*—(1) A person shall not be proceeded against for an offence under section 18, section 19, section 20 or section 21 except at the instance of such officer as may be authorised by the Government in this behalf.

(2) Before instituting proceedings against any person under sub-section (1) the officer so authorised shall call upon such person to show cause why proceedings should not be instituted against him.

(3) The officer so authorised may either before or after the institution of proceedings compound any such offence other than an offence under section 21.

23. *Cognizance of offences.*—No Magistrate other than a Magistrate of the first class shall try any offence under this Act.

24. *Place of assessment.*—The plantations held by a person shall be assessed by the assessing authority of the area in which the plantation is situated or, where the plantation is situated within the jurisdiction of two or more assessing authorities, by such assessing authority and in such manner as may be prescribed.

25. *Manner of service of notice.*—(1) A notice or requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a Court under the Code of Civil Procedure, 1908.

(2) Any such notice or requisition may, in the case of a firm, Hindu undivided family or aliyasanthana family or branch or Marumakkathayam tarwad or tavazhi or a Nambudiri family or other family to which the provisions of the Kerala Nambudiri Act, 1958 apply,
be addressed to any member of the firm or to the Manager or Karnavan, or any adult member of the family, tarwad, tavazhi or branch and, in the case of any other association of persons be addressed to the principal officer thereof.

26. *Power to grant extension of time for returns, etc.*—The assessing authority may, in his discretion, in the case of any person or class of persons, extend the date before which the return under sub-section (1) or sub-section (2) of section 4 or, on application by an assessee, allow him such extension or extensions of time as the officer thinks fit to furnish the return or comply with the terms of a notice under this Act.

27. *Power to make rules.*—(1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed in determining whether any land is a plantation;

(b) the procedure for determining the extent of plantation held by a person;

(c) the procedure for revising the extent of plantations held by a person and provision for appeals from orders in such revision;

(d) the form of returns under section 4 and the manner in which they should be verified;

(e) the form of the notice of demand mentioned in section 8;

(f) the powers and duties of assessing authorities, appellate authorities and other officers under this Act, the relation of such authorities to each other and the conditions of service of such authorities;

(g) the form in which appeals under this Act shall be presented and the manner in which they shall be verified;

(h) the form of the notice of demand mentioned in sub-section (3) of section 11;

(i) the manner in which and the authority to whom applications for refund shall be made and the procedure to be followed in respect of such applications; and

(j) all other matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

28. *Remission of plantation tax.*—Notwithstanding anything contained in this Act, the Government may remit, in whole or in part, the amount of plantation tax payable by any person if they are satisfied that it is necessary to do so on account of the failure or destruction of crops or on account of the fact that the yield in any plantation has been substantially reduced due to natural causes.

29. *Bar of suits in Civil Courts.*—No suit shall be brought in any Civil Court to set aside or modify any assessment made under this Act and no prosecution, suit or other proceeding shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act.

30. *Computation of period of limitation.*—In computing the period of limitation prescribed for any appeal under this Act the date on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

31. *Delegation of powers.*—The Government may, by notification in the Gazette, delegate any of their powers under this Act, except the power under section 27, to the Board of Revenue or other officer.

32. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may by order do anything not inconsistent with the provisions of this Act for the purpose of removing the difficulty.

SCHEDULE I

(*See* section 3(1))

Rates of plantation tax.

		Rate.
1.	Where the aggregate extent of plantations held by a person is below five acres ..	Nil.
2.	Where the aggregate extent of plantations held by a person is not less than five acres—	
	(a) on the first two acres ..	Nil.
	(b) on the remaining extent ..	Eight rupees per acre.

SCHEDULE II

(*See* section 3(4))

For the purposes of the assessment of plantation tax payable by a person, the extent of plantations held by him shall be deemed to be the aggregate of the following, expressed in acres, namely:—

(i) the quotient obtained by dividing the total number of bearing cocoanut trees standing on all lands held by him by 70;

(ii) the quotient obtained by dividing the total number of bearing arecanut trees standing on all lands held by him by 600;

(iii) the quotient obtained by dividing the total number of yielding rubber plants standing on all lands held by him by 180;

(iv) the quotient obtained by dividing the total number of yielding coffee plants standing on all lands held by him by 600;

(v) the quotient obtained by dividing the total number of yielding pepper vines standing on all lands held by him by 330;

(vi) the extent of lands on which tea plants are grown which have begun to yield crops;

(vii) the extent of lands on which cardamom plants are grown which have begun to yield crops:

Provided that where the total extent of land held by a person which is cultivated with the aforesaid crops, is less than the aggregate calculated as above, such actual extent alone shall be deemed to be the extent of plantations held by him.

STATEMENT OF OBJECTS AND REASONS

At present the land tax levied in this State is the basic tax of Rs. 2 per acre. Government consider that lands cultivated with plantation crops can bear a much higher tax. Accordingly, Government have decided to levy, with effect from the first April, 1960, an additional tax, called plantation tax, at the rate of Rs. 8 per acre on lands measuring five acres or more in extent and cultivated with cocoanut trees, arecanut trees, rubber plants, coffee plants, tea plants, cardamom plants and pepper vines. The liability to pay this additional tax shall be on the person holding the land. On the first two acres of the taxable extent of land, no additional tax as contemplated in the Bill is to be imposed.

For the purpose of fixing the extent of plantation held by a person, the following formula is adopted in the case of cocoanut, arecanut, rubber, coffee and pepper: the total number

of bearing plantation trees or plants on all the lands held by a person is taken into account and divided by the ordinary and normal number of each variety of such trees and plants which are generally grown in one acre of land. The result obtained by such division is taken to be the extent of plantation held by him for purposes of assessment of tax. In the case of tea and cardamom, the actual extent is taken into account.

The Bill seeks to give effect to the above decisions.

FINANCIAL MEMORANDUM

For implementing the provisions of the Bill i. e., for inspection of the plantations and the initial assessment, it will be necessary to employ some additional staff. The cost on account of such staff will be about rupees one lakh.

The annual receipt on account of the tax is estimated to be Rs. 70 lakhs.

K. CHANDRASEKHARAN.